IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4835 of 2005

Between:

1. Sri Shirdi Sai Enterprises, Venkateswarapuram, Vijayawada,
Rep. by Chintala Nageswara Rao, S/o. Late Subbarao, Hindu,
aged 54 years, Business, D.No. ATF 7, Venkata Enclave,
Sri Ramachandranagar, Vijayawada-8,Krishna Dist.
2. Sri Venkateswara Coffee and General Stores, Chintapalli
Village, Visakhapatnam Distict, rep. by K. Krishna Murhty
S/o. Subrahmanyam, Hindu, aged 45 years, D.No.12/67,
Gandhinagar, Revenue Colony, Nuziveedu, Krishna District.

..... PETITIONERS

AND

1 The Sub-Collector, Paderu, Visakhapatnam District.
2 The Managing Director, Andhra Pradesh Forest Development
Corporation, Hyderabad.
3 The Regional Manager, Andhra Pradesh Forest Development
Corporation, Visakhapatnam.
4 The Divisional Manager, Andhra Pradesh Forest Development
Corporation, Chintapalli, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, to declare the action of the Respondents 2 to 4 in resorting to harass the petitioners by stopping their loaded lorries and making them not to move with the coffee seeds tantamount to illegal, unreasonable and unauthorised,

arbitrary and violation of provisions of Art. 14,19 (1)(g) and 21 of the Constitution of India and consequently direct the respondents not to harass the petitioners while engaging in the transportation of the coffee seeds from paderu, Chintapalli etc.

Counsel for the Petitioner: MR.M.SUBBAIAH SASTRY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent Nos.2 to 4: MR.SREERAMULU REDDY (S.C. FOR F.D.C.)

The Court, at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 4835 of 2005

ORDER:

This writ petition is filed seeking writ of mandamus, declaring the action of the respondents 2 to 4 in resorting to harass the petitioners by stopping their loaded lorries and making them not to move with the coffee seeds, as illegal and arbitrary.

2. The learned counsel for the petitioners contended that the transport of coffee seed is no more controlled and prohibited goods and therefore, the petitioners can carry on the coffee seed. But, the respondents without any authority stopping the vehicles and making them to wait for a couple of days and hence, a direction may be given to the respondents not to harass the petitioners while engaging in the transportation of the coffee seeds.

3. The learned standing counsel for the respondents 2 to 4 opposed the same.

4. In the entire affidavit, there is no allegation that what is the legal right of the

petitioner has been infringed. It is not in dispute that the respondent-Corporation is at liberty to stop the vehicles so as to verify whether the transaction is genuine one and whether the traders are transporting the genuine goods. So, the allegation of the petitioner that their vehicle was stopped by the respondent-Corporation for the purpose of checking to know the details of information as to whether the transportation of coffee seed is genuine one does not amount of harassment. The harassment comes only when the respondents have no jurisdiction at all to stop the vehicle and when the respondents, in spite of lacking of jurisdiction, resorting to stop the vehicles for the reasons best known to them. But, this is not such a case to challenge the action of the respondents on that ground that they are harassing the transporters like petitioners.

5. Therefore, in the absence of any violation or infringement of legal right of the petitioner, this writ petition is devoid of merit and is accordingly dismissed. No costs.

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March 11, 2005

Kvr

To

1 The Sub-Collector, Paderu, Visakhapatnam District.
2 The Managing Director, Andhra Pradesh Forest Development Corporation, Hyderabad.
3 The Regional Manager, Andhra Pradesh Forest Development Corporation, Visakhapatnam.
4 The Divisional Manager, Andhra Pradesh Forest Development Corporation, Chintapalli, Visakhapatnam District.

5. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

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